

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MARK DANIEL ROLLINS,

Plaintiff,

V.

PIERCE COUNTY CORRECTIONAL
FACILITY, CORRECTIONS OFFICER
PAPP, SGT. HARDGROVE, and
CORRECTIONS OFFICER SHAVIRI.

Defendants.

No. C10-5438 RBL/KLS

**ORDER REGARDING LETTER FILING
FOR INJUNCTIVE RELIEF**

Before the court is Plaintiff's letter addressed to the Clerk of Court requesting a temporary restraining order. Dkt. 4. At the time of filing this letter request, Plaintiff's motion to proceed *in forma pauperis* and proposed civil rights complaint (Dkts. 1 and 3) were pending.¹ None of the Defendants have been served with the complaint and Plaintiff has not served any of the Defendants with his letter request for an injunction. The court will not consider the letter request for an injunction.

Plaintiff is advised that an injunction can be issued against individuals who are parties to this action. *See, e.g.*, Fed. R. Civ. P. 65(d)(2). Because none of the defendants named in this

¹ Under separate orders, the court is granting Plaintiff's motion to proceed *in forma pauperis* and has directed service of his civil rights complaint.

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1 action have been served, personal jurisdiction does not exist and the court has no authority over
2 them.

3 In addition, under Federal Rule of Civil Procedure 65(a)(1), no preliminary injunction
4 can be issued without notice to the opposing party. A temporary restraining order may be
5 granted under Rule 65(b), but only if:

- 6 1) it clearly appears from specific facts shown by affidavit or by the verified
7 complaint that immediate and irreparable injury, loss or damage will result
8 to the applicant before the adverse party or that party's attorney can be
9 heard in opposition, and
- 10 2) the [applicant] certifies to the court in writing the efforts, if any, which
11 have been made to give the notice and the reasons supporting the claim
12 that notice should not be required.

13 Finally, Plaintiff is advised that if he seeks relief from the Court, he must set forth his
14 requests in a pleading or motion and that he must serve copies of all pleadings and motions on all
15 Defendants through their counsel of record pursuant to Fed.R.Civ.P. 5(b)(1). Pursuant to
16 Fed.R.Civ.P. 5(d), Plaintiff is also required to attach and file a certificate of service stating that
17 he has served all Defendants with the pleading and/or motion every time he files and serves a
18 document.

19 Accordingly, the Court **ORDERS**:

20 1) Plaintiff's letter request for a temporary injunction (Dkt. 4) is **DENIED**. Plaintiff
21 may file a motion for temporary injunctive relief after Defendants have been properly served
22 with the complaint and have appeared in this action, by filing a notice and serving it on the
23 Defendants or their counsel. The motion may be scheduled on the court's calendar for the third
24 Friday after filing and service of the motion.

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2) The Clerk is directed to send copies of this Order to Plaintiff.

DATED this 29th day of July, 2010.

Ben Stromberg

Karen L. Strombom
United States Magistrate Judge

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